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October 10, 2012

VIA ELECTRONIC MAIL AND U.S. MAIL

Kent Crawford
KUTV General Manager
299 South Main #150
Salt Lake City, UT 84111
kcrawford@kutv2.com

Re: Current NRCC Advertisement

Dear Mr. Crawford:

I am counsel for Jim Matheson's congressional campaign. I write with regard to an advertisement produced by the National Republican Congressional Committee (NRCC). The text of the advertisement is attached.

This advertisement creates inferences that are misleading to viewers. For the sake of both FCC licensing requirements and the public interest, your station should immediately refuse to continue to air this advertisement.

Specifically, toward the end of the advertisement, Congressman Matheson's image is put on screen with the text "Obamacare. Bailouts." The placement of Congressman Matheson's image on screen in conjunction with those words, when viewed in the context of the entire advertisement, erroneously implies that the Congressman supported "Obamacare" and "bailouts," when his record shows that he, in fact, voted against both the Affordable Care Act, "Obamacare,"¹ and the TARP and auto "bailouts."^{2, 3}

In fact, Congressman Matheson's opposition to the "Obamacare" legislation^{4, 5, 6, 7} and "bailout" legislation^{8, 9, 10, 11} has been well documented in the press. Further,

¹ HR 3590, Patient Protection and Affordable Care Act, On motion to concur in Senate amendments, Vote #165, 3/21/2011.

² HR 1424, Emergency Economic Stabilization Act of 2008, On motion to concur in Senate amendments, Vote #681, 10/3/2008.

³ HR 7321, Auto Industry Financing and Restructuring Act, Vote #690, 12/10/2008.

⁴ KSL, *Matheson to vote 'no' on Obama health care plan*, 3/20/2010.

⁵ KSL, *Matheson Statement on Health Care Vote*, 3/20/2010.

⁶ Salt Lake Tribune, *Matheson remains a no vote on health reform*, 3/20/2010.

⁷ Examiner, *Health care reform passes, without Matheson's help*, 3/21/2010.

⁸ Salt Lake Tribune, *Matheson to say 'no' again on the bailout*, 10/3/2008.

⁹ Deseret News, *Matheson and Bishop vote against bailout*, 10/4/2008.

¹⁰ Deseret News, *House paves way to auto bailout*, 12/11/2008.

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Congressman Matheson has paid for advertising on this very station where he explicitly stated that he "voted against Obamacare, against the Obama budget and against all the bailouts."

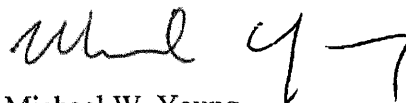
Unlike federal candidates, independent political organizations do not have a "right to command the use of broadcast facilities." *See CBS v. DNC*, 412 U.S. 94, 113 (1973). Because you need not air this advertisement, your station bears responsibility for its content when you do grant access. *See Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), *cert. denied*, 314 U.S. 909 (1950).

Moreover, your station has a duty "to protect the public from false, misleading or deceptive advertising." *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961). Failure to prevent the airing of "false and misleading advertising" may be "probative of an underlying abdication of licensee responsibility" that can be cause for the loss of a station's license. *Cosmopolitan Broad. Corp. v. FCC*, 581 F.2d 917, 927 (D.C. Cir. 1978).

This advertisement is misleading and deceptive due to the inference it creates. We ask that you refuse to continue to air this advertisement.

I can be reached at (801) 532-1234 if you have any questions regarding this letter. Please contact me to inform me of your decision. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael W. Young', with a stylized flourish at the end.

Michael W. Young

MWY/cc

¹¹KCPW, *Rep. Matheson: Failed Auto Bailout Was a Bad Idea*, 12/2/2008.

NRCC Advertisement

NRCC - "At It Again" - 10/06/12

V/O: Jim Matheson is at it again. Telling us one thing. Doing another.

Now, he's distorting Mia Love's views on Social Security.

But Matheson supported putting Social Security money in the stock market and wanted to let Wall Street investors gamble with those dollars.

Obamacare. Bailouts. Social Security dollars in the stock market.

You just can't believe anything Jim Matheson says.

The National Republican Congressional Committee is responsible for the content of this advertising.